

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HASSAN CHERRY,

Plaintiff,

v.

COUNTY OF MIDDLESEX, et al.,

Defendants.

CIVIL ACTION NO. 09-1499 (MLC)

O P I N I O N

THE DEFENDANTS County of Middlesex New Jersey, Middlesex County Adult Correction Center, Edward Cicchi (sued here as ("s/h/a") "Edward Chicchi"), Mark Rodziewicz (s/h/a "M. Rodziewicz"), Paul DeAmicis (s/h/a "Paul M. De Amicis"), Richard Christiansen (s/h/a "R. Christiansen"), and Connie W. Barth (s/h/a "C. Barth") (collectively, "Middlesex Defendants") move to dismiss the Second Amended Complaint insofar as it is asserted against them. (Dkt. entry no. 89, Middlesex Defs.' Mot.; see also dkt. entry no. 61, 2d Am. Compl.) The remaining defendants, through a series of separately filed motions, also move to dismiss the Second Amended Complaint insofar as it is asserted against them. (See dkt. entry no. 91, Graffagnino Mot.; dkt. entry no. 92, Freeholder Defs.' Mot.; dkt. entry no. 93, Shapiro Mot.; dkt. entry no. 94, Delanoy Mot.; dkt. entry no. 95, Brown & Bavosa Mot.; dkt. entry no. 96, Napravnik Mot.)

Those defendants join in the brief by the Middlesex Defendants. (See Graffagnino Mot. at 2; Freeholder Defs.' Mot. at 2; Shapiro Mot. at 2; Delanoy Mot. at 2; Brown & Bavosa Mot. at 2; Napravnik Mot. at 2.)

THE PLAINTIFF, Hassan Cherry, failed to oppose the several motions. Cherry is represented by counsel, Attorney Gerald Gordon.

THE COURT referred the several motions to the Magistrate Judge for a Report & Recommendation. (See text entry immediately before dkt. entry no. 97.) The Magistrate Judge thereafter issued the Report & Recommendation. (Dkt. entry no. 98, R&R.) The Magistrate Judge, upon consideration of the facts of this case in light of Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863 (3d Cir. 1984), recommends that the Court grant each motion and dismiss the Second Amended Complaint with prejudice. (See generally R&R.)

THE COURT now considers the Report & Recommendation without oral argument pursuant to Local Civil Rules 72.1(c)(2) and 78.1(b). Neither the plaintiff nor the defendants have objected to the Report & Recommendation. It thus appears that the parties agree with the Magistrate Judge's findings and conclusions. It also appears, upon the Court's independent review of the Report & Recommendation, that the Magistrate Judge thoroughly reviewed the record in this action and correctly

concluded that the Second Amended Complaint should be dismissed with prejudice.

THE COURT, for good cause appearing, will thus issue an appropriate Order and Judgment.

s/ Mary L. Cooper

MARY L. COOPER
United States District Judge

Date: September 5, 2012